

REMARKSI. Status of Pending Claims

Claims 1-49 are pending in the present application; Claims 33-49 are allowed; Claims 4 and 21 are objected to as depending upon a rejected base claim. Claims 1-3, 5-20 and 22-32 are rejected. The rejections are respectfully traversed and each of the rejected claims will be addressed in the following.

By this Amendment, Claim 16 has been canceled and new Claims 50-54 have been added.

II. Claims 4 and 21

Claim 4 is objected to as being dependent upon a rejected base claim, but was indicated as otherwise allowable if rewritten in independent form. Claim 4 is amended into independent form and thus should be allowable.

Claim 21 is objected to as being dependent upon a rejected base claim, but was indicated as otherwise allowable if rewritten in independent form. Claim 21 was previously amended into independent form and thus should be allowable.

III. Claims 40-49

Claims 40-49 have been indicated as being allowable, but it is noted that each of these claims is dependent on claims which have not yet been allowed.

A. Claims 40-42

Claims 40-42 depend (directly or indirectly) upon Claim 4. Claim 4 has been indicated as being allowable if rewritten in independent form. Claim 4 having so been rewritten, it is submitted that Claims 40-42 should be allowable.

B. Claims 43-44

Claims 43-44 depend directly or indirectly upon Claim 8 (a currently rejected claim). Claim 43 has been rewritten in independent form. Thus having not been rejected, it is submitted that Claims 43-44 should be allowable.

C. Claim 45

Claim 45 depends upon Claim 16 (a currently rejected claim). Claim 45 has been rewritten in independent form. Thus having not been rejected, it is submitted that Claim 45 should be allowable.

D. Claim 46

Claim 46 depends directly or indirectly upon Claim 21 (a currently rejected claim). Claim 46 has been rewritten in independent form. Thus having not been rejected, it is submitted that Claim 46 should be allowable.

E. Claims 47-49

Claims 47-49 depend directly or indirectly upon Claim 25 (a currently rejected claim). Claim 47 has been rewritten in

independent form. Thus having not been rejected, it is submitted that Claims 47-49 should be allowable.

IV. Claims 1-3, 5-20, and 22-32

Claims 1, 2, 7-12, and 14-15 are rejected under 35 U.S.C. 103 over Roslak '002; Claims 3 and 5-6 have been rejected under 35 U.S.C. 103 over Roslak '002 in view of Ruppert '002; Claim 13 has been rejected under 35 U.S.C. 103 over Roslak '002 and Ruppert '002 in view of Dumont '307; Claims 16-20, 22-27 and 30-32 have been rejected under 35 U.S.C. 103 over Roslak '002 in view of Dumont '307; Claims 28-29 have been rejected under 35 U.S.C. 103 over Roslak '002 and Dumont '307 in view of Ruppert '002. These rejections are respectfully traversed and each claim will be considered in the following.

A. Claims 1-3 and 5-7

Claim 1 has been amended to also include the limitations:

A method for item check-out in a retail establishment, comprising the steps of:

downloading price and item data into a price look-up table in a portable data reading unit;

providing the portable data reading unit to a customer;

allowing the customer to traverse the retail establishment with the portable data reading unit and to select items for purchase;

updating the price and item data into the price look-up table via a wireless link while the customer traverses the retail establishment;

the customer selecting a plurality of desired items, reading an identifier on each item with the portable data reading unit, and taking the items to a self-checkout station;

Roslak '002 discloses (at Col. 4) displaying product information such as price and product name but it does not disclose updating the price and item data into the price look-up table of the portable data reading unit via a wireless link while the customer traverses the retail establishment. Such a method as claimed advantageously allows the customer (1) immediate access to item prices (since the portable data reading unit itself has the price data) and (2) access to prices that are up-to-date (due to the wireless updating). Thus it is submitted that Claim 1 is non-obvious and allowable over Roslak '002.

It is also submitted that Claims 2-3 and 5-7 should also be allowable in part as depending upon Claim 1.

C. Claims 8-15

Claim 8 has been amended and includes the limitations:

identifying each of the desired items using the portable reading unit during the selecting step and placing the item in a shopping cart;

confirming via a mechanism associated with the cart that the item placed in the cart corresponds to the item identified.

Roslak '002 discloses a customer using a bar code reader 40 to scan bar codes on products, but does not disclose any confirmation that actual item scanned was the one placed in the cart. Indeed, Roslak '002 either provides either no confirmation that the item scanned is the one the customer is actually attempting to acquire, or relies on a store employee to provide a manual confirmation.

Thus it is submitted that Claim 8 should be non-obvious and allowable. Dependent Claims 9-15 should also be allowable in part as depending upon Claim 8.

D. Claim 16-20 and 22-24

Claim 16 has been canceled.

Claims 17-20 and 22-24 have been amended to depend upon allowed Claim 21. It is submitted that Claims 17-20 and 22-24 should be allowable.

E. Claims 25-32

In similar fashion to Claim 4 (which has been indicated to be allowable) Claim 25 has been amended and includes, among others, the limitations of

wherein the self-checkout station receives the stored information from the portable terminal via the data input port, outputs signals to a POS controller through an interface that formats the signals to mimic signals outputted by conventional POS scanning terminals, and accepts payment from the customer for the selected items using the payment-accepting subsystem.

By outputting the signals to a POS controller through an interface that formats the signals to mimic signals outputted by conventional POS scanning terminals, a self-checkout station may have certain advantages, such as described in the specification at page 16:

Preferably, the POS interface 48 formats the data so as to mimic transfers from conventional POS terminals 32 that occur when an item is scanned using a conventional POS terminal 32. When this type of mimicking is implemented, the POS store controller 31 will behave as if the data originated from an ordinary POS terminal 32. As a result, self-checkout stations 40 in accordance with the illustrated embodiments may be integrated into existing store POS systems without requiring reprogramming of any pre-existing POS store controllers 31.

Thus it is submitted that Claim 25 should be non-obvious and allowable. Further it is submitted that dependent Claims 26-32 should also be allowable in part as depending upon Claim 25.

V. New Claims

New Claims 50-53 (depending upon Claim 1) and new Claim 54 (depending upon Claim 8) should be allowable as depending upon an allowable base claim.

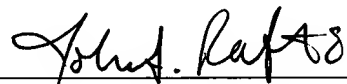
VI. Conclusion

Therefore it is submitted that Claims 1-15 and 17-54 should be allowable and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

Dated: December 29, 2003

By



John A. Rafter, Jr.

Reg. No. 31,653

STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, Oregon 97204-1268
Telephone: (503) 224-3380
Facsimile: (503) 220-2480
Attorney Docket No.: 51306/642:1 (242/300)